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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,192	03/19/2004	Brig Barnum Elliott	03-4041	6754
32127 VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD, SUITE 500 ARLINGTON, VA 22201-2909	7550 04/01/2008		EXAMINER FIELDS, COURTNEY D	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 04/01/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary

Application No.

10/804,192

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

COURTNEY D. FIELDS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 13-16, and 2-25 have been amended.
2. Claims 1-25 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 December 2007 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 24 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As disclosed in paragraphs 54 and 55, within the Applicant's Specification, claims 24 and 25 fail to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Claims 24 and 25 are directed to a computer readable medium containing instructions to

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configure a data processor to perform a method of medium access control. However, the computer readable media includes program instructions or code which may include transmission of signals. (i.e. any other network in which messages are exchanged as a part of the medium access control for that network). Therefore, it's non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zweig et al. (US Patent No. 7,154,854)

Referring to the rejection of claims 1, 15, 16, and 24, Zweig et al. discloses a method, system, and computer-readable medium of medium access control comprising:

a processor (See Column 6, lines 13-17)

a memory (See Column 7, line 7 and Column 12, lines 35-36)

receiving a first message including a first integer; (See Column 13, lines 12-16)

sending a second message including a second integer, the second message sent in response to the first message; (See Column 13, lines 16-20)

receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message, (See Column 6, lines 62-67)

and sending in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message (See Column 8, lines 29-36)

Referring to the rejection of claims 2 and 17, Zweig et al. discloses the claimed limitation wherein using as the first, second, third, and fourth integers, the same value (See Figure 5, and Column 10, lines 41-67, Column 11, lines 1-16)

Referring to the rejection of claims 3 and 18, Zweig et al. discloses the claimed limitation wherein using, as the same value, a random integer (See Column 10, lines 58-63)

Referring to the rejection of claims 4 and 19, Zweig et al. discloses the claimed limitation wherein using, as the same value, a pseudorandom integer (See Column 10, lines 58-63)

Referring to the rejection of claims 5 and 20, Zweig et al. discloses the claimed limitation wherein using, as the same value, a time value (See Column 10, lines 29-31)

Referring to the rejection of claims 6 and 21, Zweig et al. discloses the claimed limitation wherein using, as the same value, a time value based on a Global Positioning System (GPS) (See Column 3, lines 40-50)

Referring to the rejection of claims 7 and 22, Zweig et al. discloses the claimed limitation wherein using, as the first integer, a nonce value, the nonce value being

based on one or more of the following: a random integer, a pseudorandom integer, or a time value (See Column 10, lines 5-11)

Referring to the rejection of claim 8, Zweig et al. discloses the claimed limitation wherein using, as the first integer, a value that is a function of a nonce value (See Column 10, lines 33-40)

Referring to the rejection of claim 9, Zweig et al. discloses the claimed limitation wherein using, as the first message, a request to send message (See Column 13, lines 12-16)

Referring to the rejection of claim 10, Zweig et al. discloses the claimed limitation wherein using, as the second message, a clear to send message (See Column 13, lines 16-20)

Referring to the rejection of claim 11, Zweig et al. discloses the claimed limitation wherein using the first, second, third, and fourth messages as the medium access control of a wireless network (See Column 6, lines 52-57)

Referring to the rejection of claim 12, Zweig et al. discloses the claimed limitation wherein using, as the first message, a request-to-send message, the request-to-send message providing media access control (See Column 13, lines 5-10)

Referring to the rejection of claims 13, 14, 23, and 25, Zweig et al. discloses a method, system, and computer-readable medium of medium access control in a wireless network comprising:

a processor (See Column 6, lines 13-17)

a memory (See Column 7, line 7 and Column 12, lines 35-36)

receiving a request to send message, the request to send message including a first integer, (See Column 13, lines 5-10)

sending in response to the received request to send message, a clear to send message including the first integer and a second integer, (See Column 13, lines 12-16)

receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message, (See Column 13, lines 16-20)

and sending in response to the received data message, an acknowledgement message including the first integer (See Column 8, lines 29-36)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/
Examiner, Art Unit 2137
March 23, 2008

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137